IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.3602/2005.

Satish Kumar Sharma
Vs.
State and ors.

Date of Order : 24/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

None present for the petitioner.
Shri B.K. Sharma, Deputy Government Advocate for the State.

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Heard learned Deputy Government Advocate.

2) This writ petition has been filed by the petitioner with the averments that Tehsildar Rajgarh vide order dated 3/3/2005 allotted to him wooden cabin in the office premise of sub-tehsil for running the job of photostat pursuant to the order of the District Collector Alwar dated 10/12/2004. Subsequently, Tehsildar Rajgarh under the influence of certain influential persons, cancelled allotment of wooden cabin allotted to the petitioner for doing the job of photostat vide order dated 13/4/2005 without affording opportunity of hearing to the petitioner.

Petitioner is a poor person and this was the only source of his livelihood. The petitioner has therefore prayed that order of Tehsildar Rajgarh dated 13/4/2005 may be quashed and respondents be directed to restore the wooden cabin to the petitioner.

The petitioner has not been appearing in this matter nor has engaged any lawyer to argue on his behalf.

Respondents in their reply stated that petitioner is not a poor and unemployed person, as he has purchased a Pakka shop on 6/10/2000 from one Damodar Lal and was running a shop of photostat and videography therein. In support of their aforesaid contention, respondents have also placed on record the document-sale-deed (Annexure-1). It is further averred in the reply that father of the petitioner is having 22 bighas of agriculture land with the pakka house therein in the village wherein also, the petitioner has his share and in support thereof, respondents have also placed on record the photocopy of the Jamabandi of the land (Annexure-2). In fact, the petitioner applied for allotment of the shop to the District Collector on 26/7/2004 along with

certain others and thereupon, the District Collector directed the Naib Tehsildar Raini to conduct an inquiry into the matter to which, Naib Tehsildar placed inquiry report dated 3/9/2004. In the report, it was stated that the office of sub-tehsil Raini and office of Panchayat Samiti Raini are located in one premise wherein the Panchayat Samiti Raini constructed five shops under the S.G.L.R.Y. Scheme which has been let out to the persons Below Poverty Line. There was already a shop of photocopier which is sufficient for the purpose and, therefore, there is no requirement for putting another wooden cabin in the premises. Further, the Tehsildar is not competent to make allotment of 10x10' of wooden cabin particularly when it is occupied by certain another in the premises and doing the similar nature of job. The respondents have therefore prayed that the writ petition be dismissed.

Having heard learned Deputy Government Advocate and perused the impugned order, I find that the petitioner was a mere licensee of the respondents. Even if the question whether Tehsildar was competent or not to grant permission to the

petitioner to put up wooden cabin within the premises of sub-tehsil is not gone into yet the fact remains that license once granted could at any time be cancelled. In the present case, petitioner has not been able to show as to what legal right has he got for continuation of allotment of the wooden cabin in his favour. Already when there are shops in the same premises constructed by the Panchayat Samiti Raini, this Court cannot require the respondents to continue to have the wooden cabin of the petitioner. Even otherwise, petitioner has already purchased another shop wherein he is successfully carrying on his business.

In the facts of the case therefore, I do not find any fault with the action of the respondents.

In the result, petition fails and is accordingly dismissed.

A copy of this order be sent to the petitioner.

(MOHAMMAD RAFIQ), J.

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